CF-10 (3)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

W.P. No. 1308 **/2004**

PETITIONERS PLAINTIFFS

1. Sagar Agrawal,
   S/o Late Gopiram Agrawal,
   Aged 44 years,
   Occupation- Business,

2. Bajrang Agrawal,
   S/o Maturam Agrawal,
   Aged about 36 years,
   Occupation- Business

   Both Partners of the firm M/s.
   Gopiram Maturam,
   R/o Gandhi Ganj, Raigarh (C.G.)

P. R. No. 1254 dated 01.05.04 Presented by Shri K.N. Nawale

VERSUS

RESPONDENTS (DEFENDANTS)

1. Union of India,
   Through : General Manager,
   South Eastern Railway,
   11- Garden Reach Road,
   Kolkata [Calcutta] (W.B.)

2. Divisional Railway Manager,
   (Commercial) S.E. Railway,
   Bilaspur (Chhattisgarh)

3. Station Superintendent,
   S.E. Railway,
   Railway Station- Raigarh (C.G.)

WRIT PETITION UNDER ARTICLE ~~226~~ 227 OF THE CONSTITUTION OF INDIA.

XI-HC-22

(32)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 1308 सन् 2004

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	17.06.2004 Shri K.N. Nande, counsel for the petitioner. Shri Vinay Harit, Sr.Central Govt. Standing Counsel for the Union of India/respondents on advance copy. I.A.No.2930 of 2004 for urgent hearing is allowed. It is submitted that the petitioners obtained a plot from the defendants by licence in the year 1982. Initially the annual rent (licence fee) was Rs.2,160/- It was enhanced from time to time. Further the annual rent was enhanced to Rs.9,763/- in the year 1989-90. The grievance of the petitioners is that again the licence fee has been enhanced to Rs.34,871/- from Rs.9,763/-. They filed a civil suit against the enhancements in rent. During the pendency of the suit, the respondents sent a notice dated 01.9.2001 demanding to pay the enhanced rent. The petitioners filed an application for temporary injunction but the same was rejected by the trial Court. Appeal preferred against that was also rejected by the lower appellate court. Having considered the facts and circumstances and material on record and that the suit is said to be pending against the enhancement since 1996, in the opinion of this Court no case is made out warranting interference in the impugned orders passed by the courts below, at this stage. However, the trial Court is directed to decide the suit in accordance with law, as early as possible preferably within 6 months. It is made clear that the trial court shall decide the same on its own merits without being influenced the observations made in the orders rejecting those applications. With the above direction/observations, this petition stands disposed of. Consequently, M.W.P.1171/04 also stands disposed of. C.C. as per rules. Sd/- Fakhruddin Judge	